

Before the Federal Communications Commission  
Washington, D.C. 20554

In the Matter of

Service Rules for the 746-764 and  
776-794 MHz Bands, and  
Revisions to Part 27 of the  
Commission's Rules

WT Docket No. 99-168

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

COMMENTS OF THE ASSOCIATION OF AMERICA'S PUBLIC TELEVISION  
STATIONS

The Association of America's Public Television Stations ("APTS") hereby submits its comments in response to the Commission's *Notice of Proposed Rulemaking* ("Notice") in this proceeding, released June 3, 1999. The Notice addresses service rules for new commercial fixed and mobile wireless services that will be licensed by competitive bidding in the 746-764 and the 776-794 MHz bands. Among other issues, the Commission seeks comment on the appropriate protection criteria to ensure that existing analog and new digital broadcast stations on Channels 60-62 and 65-67 will not suffer interference during the transition period from the new wireless services.

APTS is a membership organization whose members are licensees of virtually all of the nation's local public television stations. APTS serves as the direct national representative of these stations, presenting their views and

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participating in proceedings before Congress and executive and administrative agencies, as well as other venues.

One out of every ten television licensees currently operating on Channels 60-69 is a noncommercial station. Half of these stations operate on Channels 60-62 and 65-67. Adequate protection of these analog stations is essential to ensure the continued receipt of noncommercial television signals by the public throughout the transition. Additionally, two public television stations have been allocated DTV channels on Channels 61 and 62. Full protection of digital licensees beginning operations on Channels 60-69 is necessary to effectuate a successful transition to digital and allow productive sharing of the 746-804 MHz spectrum band.

Lack of knowledge and information about interference in a DTV world makes it difficult for the Commission to establish the interference protection criteria for Channel 60-69 analog and digital television licensees at the present time. Therefore, APTS recommends whatever protection criteria the Commission adopts be established as a minimum threshold that a new applicant must meet to receive a license. APTS further urges that the minimum threshold criteria be coupled with a requirement for notification and a test period during which incumbent broadcasters may assess the real world impact of new services on broadcast services.

## **I. Full Protection Of Analog and Digital Television Services Is Necessary To Prevent Harmful Interference**

Safeguarding noncommercial educational television service has long been a goal of Congress and the Commission and a primary concern of APTS. Current and anticipated needs during the transition to digital television make it sensible to have full protection for television stations throughout the year 2006. Any degradation in interference standards may lead to a harmful loss of existing noncommercial educational television services at a time when analog transmissions will continue to be the main source of television viewing.

When Congress allocated the Channels 60-69 spectrum to new users, it directed the Commission to ensure protection of broadcasters operating in that band. Congress specified: "In establishing service rules with respect to licenses granted pursuant to this section, the Commission . . . shall establish any additional technical restrictions necessary to protect full-service analog television service and digital television service during a transition to digital television service."<sup>1</sup> The Commission itself concluded that "all existing analog and DTV full service broadcast operations on Channels 60-69 will be fully protected during the transition."<sup>2</sup> Therefore, the Commission must ensure that television stations on Channels 60-69 may continue to offer analog services and initiate digital services to the full extent of their

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<sup>1</sup> H.R. 2015, 105<sup>th</sup> Cong. 3004 (1997), codified at 47 U.S.C. 337(d) (1997).

<sup>2</sup> Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, Sixth Report and Order, MM Docket No. 87-268 (rel. April 21, 1997).

authorized facilities, without harmful interference from new services sharing the spectrum.

## **II. The Commission Should Establish A Test Period In Addition to Implementing Protection Criteria For The Stations**

Insufficient data exists on which to base firm interference criteria for protecting television stations on Channels 60-69 during the digital transition. The telecommunication industry has very little knowledge about the actual effects of interference from the proposed services in a digital world. Any protection criteria that the Commission decides to adopt should be viewed as a minimal threshold that new applicants must meet prior to receiving a license. These criteria, however, must be coupled with further requirements that allow incumbent licensees to gauge the actual effects of interference in a digital world.

Real life testing and field data are necessary to ensure that the protection criteria established in the Commission's rules both adequately protect public television licensees from interference and are spectrum efficient. APTS urges the Commission to establish, at a minimum, a 90 day test period after the sign-on of a new service. This would allow affected broadcasters sufficient time to gather data and respond to any resultant interference problems.

Specifically, the Commission should establish a requirement that new services must notify all co-channel and adjacent stations and other stations in geographic proximity of the planned services. Notification would include the sign-on time. The sign-on time would trigger the commencement of the 90 day test period. If a broadcast station were to experience interference from the

new services during the 90 day test period, the station would promptly notify the user in question and object to the interference. Once notified of the interference, the new service would then be required to adjust its power level or make any other technical changes that would correct the problem within a reasonable amount of time. Should the time necessary for correction of the interference exceed the 90 day test period, the broadcaster would have an extension of the test period to continue to review the effects of the new signal after the technical corrections had been completed.

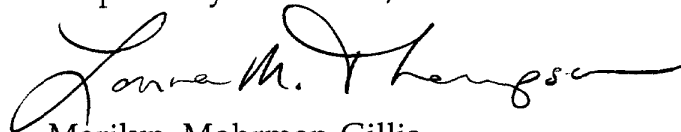
At the end of the 90 day test period, the new service would be required to get written sign-off documentation from each affected television licensee stating that no interference had occurred or that the degree of interference was acceptable based on the experience from the testing period. Should a new service decide to implement major changes in technology or facilities after the test period, it would be required to again notify all potentially affected stations. Given the lack of experience with interference in a digital environment, protection criteria for incumbent television stations in Channels 60-62 and 65-67 must be developed based on case-by-case analysis through real world testing rather than solely by reliance on paper standards.

### **Conclusion**

Establishing adequate interference protection criteria is critical in ensuring that television stations and new services in the 746-806 MHz band operate effectively during the digital transition. A notification requirement, a

90 day testing period, and a written sign-off from affected stations should be adopted to achieve full protection for the existing stations. By establishing these requirements, the Commission will prompt the effective sharing of spectrum for the 746-806 MHz band and ensure meeting the Congressional directive of full protection for television services.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lonna M. Thompson". The signature is fluid and cursive, with the first name "Lonna" being the most prominent.

Marilyn Mohrman-Gillis,  
Vice-President, Policy  
and Legal Affairs

Lonna M. Thompson  
Director, Legal Affairs  
Association of America's Public  
Television Stations  
1350 Connecticut Avenue,  
Suite 200  
Washington, D.C. 20036  
202-887-1700

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